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SPEECH

OF

HON. A. W. VENABLE, OF N. CAROLINA,

ON THE

TEXAS AND NEW MEXICO QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, AUGUST 15, 1850.

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TEXAS AND NEW MEXICO QUESTION.

This House being in Committee of the Whole on the state of the Union, and having under consideration the Civil and Diplomatic Appropriation Bill—

Mr. VENABLE said:

Mr. CHAIRMAN: I had intended to address the committee upon the bill for making appropriations for the civil and diplomatic expenses of the Government, and an apology is due for my change of purpose. I have never before discussed any other subject than that which the committee had immediately in charge. But the course which this debate has assumed, and the high and vital issues involved in the principles, as well as the policy foreshadowed in the late message of the President, impress my mind with the necessity of pursuing this subject until its importance shall have been fully developed. Objectionable as the appropriation bill under consideration is, there will be another opportunity, whilst considering it in detail, to expose its enormities. If there was no such occasion to occur, a few millions improperly appropriated is a small consideration compared with the mischiefs resulting from the assumption of power set forth by the Executive in the message relating to the boundary of Texas.

I shall not repeat the eloquent and impressive remarks of the gentlemen from Georgia, [Mr. STEPHENS and Mr. TOOMBS.] Those gentlemen, as well as my friend from Virginia, [Mr. SEDDON,] have elaborated the argument against the doctrines of this message in a most masterly manner, and I shall content myself with indorsing their conclusions, so far as they refer to the elements of despotism which are to be found in the Executive assumption of the judiciary, in addition to those powers with which he is clothed by the Constitution. The statutes of 1795 and 1807 present a case in which the military arm of this Government may be used for the execution of the laws of the United States; but it is a case in no way resembling that to which the President refers in his message. Both of those acts, which I shall presently read, refer to a state of things where the civil power has been unable to enforce the laws; and, as a last resort, when the marshal and the posse have failed, the Executive may interpose. It will be seen in the debates attending the passage of the act referred to, that, during the whisky insurrection in Pennsylvania, when the necessity for the interference of the Federal Government grew out of an open rebellion, Congress even then refused to give

a general power to the President to interpose with the military arm. That proposition was debated and rejected, and the present law was passed. Gentlemen feel the pressure of this fact, when they fly to the general provisions of the Constitution to justify this interference. I saw that the astute and able gentleman from New York, [Mr. DUER,] to whom I always listen both with pleasure and instruction, felt the pressure of this difficulty, and considered the Constitution in a broad and unrestricted construction of that instrument, for the power and the consequent duty of the President to interfere in the manner indicated by the present Executive under existing circumstances. The statute of 1795 is as follows:

“That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, so far as may be necessary to suppress such combinations and cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.”

The act of 1807 provides:

“That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval forces of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.”

He at once perceived that those statutes do not give the power claimed, but are a distinct declaration that the military is, in time of peace, ancillary and subject to the civil power. From that broad construction of the Constitution which used to be the party line which divided the politicians of this country, the gentleman has sought to protect the President from blame. I would only inquire, if this be true—if the power was to be derived obviously from the Constitution, and required no legal grant to make it operative, why was it deemed necessary, in the full reign of Federal party power, in the hour of triumph to Federal doctrines, in Anno Domini 1795, just preceding the enactment of the sedition law, that such statutes should have been thought indispensable to enable the President to suppress rebellion and execute the laws? There

never was a time when a dominant party had more thorough belief in the unlimited powers of this Government under the general powers of the Constitution. It was for these doctrines and these opinions that the old Federal party was rebuked by the public voice, and have been generally out of power ever since.

These are the statutes to which the President refers, which weigh upon his conscience, and indicate to him the duty of coercing the government of Texas, should it have the temerity to claim the boundaries by which they came into the Union, to which they have made a continual claim; which were acknowledged to be valid by President Polk, who began, prosecuted, and terminated the Mexican war for a trespass on the soil of Texas; and who commanded the military occupant of the territory east of the Rio Grande to surrender it to the jurisdiction of Texas. If President Fillmore can decide the question of boundary, President Polk had equal authority; and although a principle on which a case is decided may be overruled, it would be something new for a court of equal jurisdiction to reverse a case and eject a party placed in possession by a former decision of the same tribunal. This is assuming for the President the right to determine and to execute his own desires. Texas claimed the boundary of the Rio Grande. President Polk did not claim the right of possession for this Government. He had expelled the enemy of Texas and the United States from Texan territory, and surrendered it to Texas, as any portion of any State in the occupation of a hostile force would be restored when that enemy had been driven back. Mr. Polk asserted no conflicting claim. The President now has decided against the title of Texas when Texas has not been heard, and upon an assumed jurisdiction of the case. It is for this reason that the gentleman from New York sought for justification in the general powers conferred by the Constitution.

Sir, the doctrine set up by the President is but a revival of the old Federal doctrines, which seem to have lost no vigor by their repose—a resuscitation of the maxim, that the States exercise authority only by permission, and that all power is centralized here. I was pleased to hear the gentleman remark, that whatever might be his opinion of the rights and the powers of this Government, he had never given up, neither would he ever surrender the right of resistance to oppression or dishonor, under whatever pretext it might be inflicted or imposed. This was a sentiment which I knew must dwell in the bosom of one whose distinguished ancestor surrendered titles, wealth, and allegiance, to the British Crown, and led our troops over many a well-fought and bloody field. The revival of this claim for the exercise of Federal authority, is but another illustration of the truth, that power has a cumulative, a self-increasing tendency, never providing for its own limitations, but breaking down all barriers to its extension. These were the doctrines of the old Federal party, to whose credit be it spoken, that were an honest and candid party, openly asserting their principles, and prompt to propagate and maintain them. I have never seen one of that old school of those politicians who denied their name or their opinions. (Here some gentleman said, I am one, thank Heaven; and another gentleman responded, God bless them.) I hear the ejaculations

of gentlemen in response to my remarks concerning the old Federalists. I say to them that they are thankful for small favors, and are, no doubt, in the exercise of continued gratitude, as those impulses are set in motion by such slight causes. But I repeat, they were an honest and a patriotic people—wrong, in my judgment, as to their notions of our Republican Government; but even those who voted for the sedition law, and wore the black cockade, never dreamed of marching troops into a State or Territory to enforce the notions of law which were formed by the President, without the authority of a law of Congress. It is only necessary to refer to the guarded caution of the framers of the Constitution, to learn that no such power was intended to be given. The President is authorized to march troops into a State to repel invasion or suppress insurrection only when invited by the Legislature, or the Governor in the recess,—a power given for the protection, not for the coercion or punishment of a refractory State.

I take occasion here, Mr. Chairman, to remark, that I neither am nor ever was a nullifier. I was a member of the Union party in 1832, and have never been identified with those statesmen who held the doctrines of nullification. My opinions have undergone no change upon that remedy, as to its efficacy or its practicability. Whilst I did not adopt the high Federal doctrines of the proclamation of General Jackson, but took it with the explanation given by himself, as I always supposed, and am distinctly informed by Mr. Ritchie, the present editor of the Union, then of the Enquirer, who spoke upon the authority of a personal interview with the President himself. I did not deem it proper to withdraw my support from him, because differing with him in one particular, and commit the blunder of cooperating with the Federal party, with whom I differed in all things, and who concurred with General Jackson only in this single act of his policy, which I did not fully approve. Yet even General Jackson, who was not wanting in perception to apprehend, or the will to execute the commands of the Constitution, never imagined that he had the power, under the statutes of 1795 and 1807, to march troops, or call out the militia against a resisting State, without the authority of Congress. Accordingly the force bill was passed, to give him that power, and upon the most mature deliberation of his advisers. General Jackson was by all considered bold, by many rash, even reckless, and by some oppressive, in the measures which he recommended to Congress. Sir, his boldness was caution; his rashness deliberation; his recklessness prudence, and his determination to exert power, the soft radiations of mercy, in comparison with the authority assumed, and the designs disclosed in this message. It is true that there is much mildness in the manner, and a deep regret at the necessity for the expression of his determination. I am forcibly reminded by the language in which it is couched, of the deprecatory and self-denying manner of Cromwell and his cotemporaries, who usually spoke of the purposes which they had conceived, and the outrages they were about to perpetrate, as dispensations imposed upon them by the will of Heaven. Whether meditating the expulsion of the Parliament, or the establishment of the supremacy of the army, the substitution of the decisor of courts-marshal for the trial by jury, or prepar-

ing to destroy opposition by the gallows, the axe, or the deadly fire of the platoon, they prayed that the cup might pass from them; that the execution of this high behest of Providence might be reserved for another; yet most humbly expressing a readiness to do what might be necessary to remove a crying sin from the land. So the President is deeply conscientious concerning the necessity of executing the laws of the United States in protecting the public domain. Conscious of his duty to do the one, and his power to effect the other, he is condescending enough to admonish those interested of the danger, and presents to us the alternative of taking steps to avoid his indignation, or bear the responsibility which the discharge of his duty may incur.

Sir, we have fallen on evil times. One President of this Republic may interpose over and against the Constitution, and, by the intervention of the military power, aid a number of adventurers to seize upon the whole Pacific coast of our domain; make a constitution excluding the inhabitants of fifteen States from the use or occupation of the country with their property; appropriate to the emigrant population, foreign and native, the boundless mineral wealth of California, with borders extensive enough for six or seven States of ordinary size; and leave the rest of the territory to undergo the same process of military manipulation previous to the abolition consummation. His successor assumes the right to determine boundaries of States, settle questions reserved for the courts, and to march armies into the Territory whose limits he has determined, and drive out the authorities of the State which has the temerity to assert and maintain her claim. It has even become a matter of grave moment to all concerned, should they dare to differ with or dissent from the opinions of the President as to his powers or the policy of his measures. Especially is it deemed contumacious to refuse support to measures of compromise or adjustment, which differ chiefly from the plan of the President in this, that they combine the several offensive measures in one dose, which he proposed to administer at intervals. Southern members of Congress are called on to aid in the work. If they do so, no man can deny that the result is abolition, and that they would be doing the work of abolitionists. If concurrence and aid is refused, every such individual is subjected to the charge of being a disunionist. This has been paraded before the country for effect, with a considerable flourish, and much show of concern, by those who, sensible that their own position was one which could not bear the scrutiny of their constituents, have adopted the old device of railing at others in order to divert attention from themselves. When northern men, who get the principal profit from the labor of the plantation States, make such accusations, I am not surprised—the owner of the sheep would not concur in any system of policy which would prevent the growth of the fleece by the next shearing time. When fanaticism makes such a charge, and cupidity, availing itself of such a witness, endorses the statement, I am not surprised. This is an everyday occurrence, the operation of principles as universal as human depravity, the most common resort of ingenuity sharpened by fanaticism or the lust of power. It is the natural outlet for such impulses as I have described. Having con-

fidently expected this, I was not disappointed at its advent. But when the chief singers to the glory of the Union among the non-slaveholding States, who by the present organization of affairs derive the chief profit from the labor and the enterprise of the South, become either silent or breathe their songs in whispers; when those who by turns have wheeled and taunted us, who have urged us to be still under wrong because it might be worse, or threatened us with chastisement at the hands of numberless regiments of valorous volunteers when such as these retire with harps unstrung and troops disbanded, before a relay, a reinforcement of southern men, the Representatives of slaveholders and slaveholding States, who teach submission to unconstitutional legislation, yielding to aggressions perpetrated and to wrongs of a deeper and more degrading character in immediate prospect—southern statesmen who recommend acquiescence in a ruinous policy, lest the South should feel the weight of the military arm of this Government, it is natural that all should be astonished, and especially those whose interests they represent. We had expected confidently to be called disunionists by those whose immediate interest or whose well-known fanaticism has always suggested this mode of assault; and to such assaults, and their consequences, we were indifferent. But when the whip of political power and of party organization; the desire of receiving rewards from those who have the numerical authority to distribute them; the fascinations which cluster around great national parties, and perhaps others and by no means higher motives, all combine to induce a southern man to lie as low and stay as long as the most imperious master could demand, I have feelings of surprise and regret, mingled with others which I decline to name.

Sir, I have spoken freely and sharply, because not only I, but southern gentlemen with whom I concur upon the exciting questions which have occupied our attention almost exclusively, have been designated as ultras, slandered as disunionists, and denounced as traitors. Men in places both high and low; politicians representing all the gradations in the animal creation, from the lion to the monkey and the cat; organs of all sorts, from the slow, stately, solemn music-making instrument, both dull and deep-toned, through all the varieties, down to the tuneless, cracked convenience on which melody is manufactured by the job; those who could make speeches, and those who, in default of that quality, could pay those who can write letters,—all aid in forming public sentiment to paralyze, and discredit southern men, whose offence has been faithfulness to the constituency who sent them here. It is proper that such should be freely and faithfully dealt with; for although few believe them here, they work mischief where they are not well known. It is the settled policy of the Free-Soil and Anti-Slavery party, in all its shades and variations of opinion, to unite in discrediting every statesman of the South who affirms any principle of the Constitution protecting the domestic institutions of the South. In this they are promptly seconded by their allies, dupes, and dependents at the South, who with exceeding alacrity unite to prostrate such statesmen, by calling them disunionists and disorganizers. It would amuse, sir, did it not call up sensations of a very different character, to observe their devices to con-

iliate favor at the expense of those whose interests demand a different line of action. There is no lack of denunciation by southern men in high places against those of their own section who maintain the rights of their people. Such men see treason and disunion in every southern convention, and every resolution of the assembled people which advises resistance to oppression; whose indignation vents itself upon those who are contending for their homes, their firesides, and their property; but who have never discovered the propriety of censuring those whose whole history has been one of meddling and aggression; whose Abolition conventions and Free-Soil associations—organizations for the abduction of slaves, openly formed and unrebuked by law, legislative resolutions of disunion purposes, and votes in this House which have agitated this country in all its length and breadth, destroying confidence and alienating sections. Such things as these are not proper subjects of animadversion with those who are foremost in the effort to hurl down men who ask for nothing but the guarantees of the Constitution. And, sir, the most humiliating conviction of the whole is this: that these prompt assailants of all of us, who are determined not to yield our honor or our political equality, are compelled to acknowledge that no plan proposed does justice to the South, and that we must and ought to take what is offered, because it is the best we shall get.

I have, whilst hunting with my pointer, found it necessary to scourge him for driving up the game unseasonably, or some other disobedience of orders. When the chastisement was over he was so thankful that I did not kill him, that his protracted caresses about my feet rendered it necessary that I should kick him away and make him hunt. There is in the advice given to take this northern infliction for fear of a worse, so much of the instinct of the whipped pointer, that I can have no sympathy with those who give it, or those who are inclined to take it. I yield to no man in my attachment to the Union as the Constitution has created it. I adopt the clear, patriotic, and admirably expressed resolution of the Democratic Convention of North Carolina, who recently nominated a candidate for Governor, and whose nomination has been so signally indorsed by the people. Without approving of all the resolutions, I make especial reference to the third, as expressive of my feelings, and to which I cordially adhere. "That the union of these States as formed by our forefathers, is dearer to us than everything else beside our vital interests and our honor; that we will cherish and stand by it, so long as it realizes in its operations the design of those who founded it as equals; but that while we yield to none in our attachment to it, we are still determined, happen what may, to resist all palpable violations of the Constitution, and all attempts to wield this Government by a mere sectional majority, to the injury and degradation of the southern people." In this noble declaration I fully concur, and the people of my good old State have, from Cape Hatteras to the Pilot Mountain, from the northern to the southern boundary, shouted one long, loud, and hearty amen. To the Constitution and the Union which its guarantees contemplate, to the Union as a means for insuring tranquillity, repose, equal rights, and human liberty, I am devoted by sacred and revolutionary recollections of ancestors and kin-

red, by every hope which had its origin in the expectation of a just and equal administration of our rights, and by the anticipations of a future which would be doubly glorious, should these sacred principles prevail. But to that Union as an end to enslave, plunder, degrade, and dishonor; to the power derived from its name, to inflict the tyranny of a despotic majority irrespective of the Constitution; to all legislative or palpable violations of the Constitution, and to all attempts to wield this Government by a mere sectional majority to the degradation and injury of the South, my heart responds that resistance is a duty, come what may. I rejoice, sir, that North Carolina has made a like response at the ballot-box.

I have not, sir, been ignorant of the attempt to disparage us by calling public attention to the fact, that those falsely-called ultra southern men and Abolitionists voted together in opposition to the plan of the Committee of Thirteen in the Senate. Much denunciation was uttered on that account, and a poor attempt to make political capital by that device. It is true that southern statesmen opposed the progress of the bill of the Committee of Thirteen, and that some northern Free-Soilers and Abolitionists did the same. This was not a universal rule; some southern statesmen who were Free-Soilers, and some who were not, and many from the North, were the advocates of that measure. The chairman of the committee himself is an emancipationist and a Free-Soiler. The reasons which induced a union in the opposition to the measure of such opposite opinions was sufficiently obvious to every candid observer. The extreme Free-Soilers opposed the bill because it provided for territorial governments without the proviso; and those of the South who claimed an equality in the territories of the Republic were hostile to it because its purpose was to exclude their constituents from the right to remove their property to the public domain. The chairman of the committee, and every Free-Soiler, North and South, who sustained the measure, believed that Mexican laws, which they were unwilling to repeal, performed the office of the Wilmot proviso. Some of the same class doubted their efficacy, and demanded the proviso. But when that ill-constructed omnibus was overthrown, and the true test-question of Abolition came up—when the issue was to waive all the informalities contained in the constitution and organization of California—in other words, to enact the Wilmot proviso by the adoption of the constitution with all of their defective elements in its formation—then it was manifest that all Free-Soilers and anti-slavery men voted for the California bill—all Wilmot proviso men, North and South, and one or two Senators who are believed to be adverse to the principles of the proviso. One thing is certain, that those who voted for the Oregon bill of last session, containing the proviso, also voted for the admission of California. It is true that some southern Senators were absent on this important occasion, and did not choose to record their votes upon a measure which has occupied seven months of the session. Of their opinions it would not be proper to speak. The great fact exists, that a constitution was framed by a convention called by an army-chief—a military governor, whose deliberations were superintended by him—who had the benefit of the advice of T. Butler King, who went on a mission from, and was

fully acquainted with the views of the President; that emigrants, native and foreign, squatters and negroes, pilgrims and passers-by, united in this flagrant act, and that the Senate has ratified the seizure of the whole Pacific coast and its appropriation to abolition purposes—a territory whose inexhaustible mines have in one year yielded about thirty-five millions of dollars from the crude and imperfect operations of unskillful miners—a domain which, if accessible to slave labor, would add one hundred per cent. to the value of all disposable labor of that description—a loss under which the whole South is to suffer that foreigners may become rich. All this is done in open Senate, and but eighteen southern Senators are found to vote against it.

But, sir, it was gratifying to find amongst that small number those who had uniformly and steadily opposed the whole adjustment arrangement. They had another good and sufficient reason. None of the elements of the bill of the Thirteen met with their approbation. They knew of no process by which an accumulation of bad measures rendered any one of them more acceptable. They had learned no rule by which three insults combined were equivalent to a compliment—no discovery in chemistry which would convert three offensive odors into a perfume. They were not disposed to take insults by the wholesale, which ought to be resented each in its place. They were unwilling to load the South with chains, merely because those who proposed to enslave her attempted to fulfill the design by one enactment. To southern statesmen who framed that measure, and were willing to inflict it on the country, I say that they are not accountable to me, but to their constituents. To those who feel called upon to denounce as disunionists those who were opposed to their scheme, I say distinctly, there are offences which are never forgiven. The system of christianity requires forgiveness of personal injuries; and this is not only duty to our fellow-men, but justice to ourselves. Malignity is its own executioner, and inflicts most awful tortures on those who cherish it. But political unfaithfulness is not and ought not to be forgiven. The day of settlement will come, and charges of disunion and clamors about treason, threats to coerce States and punish traitors, will be all nailed to the counter as base counterfeit coin. There will be another sort of treachery passed in review, and other actors who will be seen after the clamor about others shall have ceased. They will learn that the wronged and injured South will regard him alone as a disunionist who, following the lead of Free-Soilers and emancipators, was willing to disinherit her of all the fair domain which her sword had won, the blood of her sons had watered, and her treasure purchased. Woe to them when they shall feel that they are surrounded by a ring-fire which continually approaches, the heat becoming more intense, the anguish more insupportable, until they are consumed and annihilated in the burning focus of public indignation.

But, sir, I must speak for a short time as to the title of Texas to the boundary which she claims, and our duty to defend her in that claim. The resolutions of annexation, the supreme law of the land, acknowledge her claim to a latitude above 36° 30', for they provide for the States to be made

above and below that line, and absolutely forbid slavery above. The war declared and prosecuted by the Democratic party was a bloody and cruel outrage, founded on falsehood and crime, or else the title in Texas to the lower Rio Grande was valid. The latitude of 36° 30' is nearly that of Santa Fe, now claimed as a part of New Mexico. Then the resolutions of annexation, and the action of our Government acknowledging the Rio Grande, is conclusive of the understanding between the parties themselves. But this is not all. By those resolutions, Texas deprived herself of the right to negotiate her boundary, and the United States assumed the office and the responsibility. By the treaty of Guadalupe Hidalgo, the whole country north of El Paso on the Rio Grande west, was absorbed by the United States. The Texas boundary, the avowed cause of the war, came, by that treaty, into the possession of this Government as a trustee. With whom, then, was the United States to treat, or to settle by negotiation? The question is too plain for argument. All principles of law and equity decide, that the *cestui qui trust* is entitled to the benefit of property acquired in his name and his right. So thought President Polk, and so thought the last House of Representatives. He directed the military commandant to surrender the territory east of the Rio Grande to Texas, and the House of Representatives concurred in that determination. Besides, sir, the gist of the contest between the parties as to the Mexican war was, that Texas did not extend beyond the Nueces. Why, then, has not the President claimed the country on the lower Rio Grande, as well as that on the upper portion of that river? It is no reply that the title of Tamaulipas has been extinguished to all the country east of the lower Rio Grande. So has all the political existence of New Mexico been destroyed and absorbed by the treaty of cession. From El Paso westwardly to the Pacific, the treaty line includes all of that former province of the Mexican Republic not claimed by the authorities of Texas. So clear was the case, that even the late President of the United States directed his military commandant, in his first instructions, not to obstruct the extension of the civil jurisdiction of Texas over the country east of the Rio Grande.

The obligation on the United States to assert and maintain the boundary of Texas, may be made manifest in another view of the subject. Suppose that after the adoption of the resolutions of annexation, and before the acceptance of Texas, a sudden eruption of Mexicans had driven the Texans to the Sabine—Texas accepting the resolutions, as she did, can any one question that the United States would have been bound to recover the possession of the Territory of Texas? And having done so, it would immediately inure to the sovereignty which had become one of us. The obligation to assert her rights, and the undertaking to negotiate for her boundary, together with the declaration of President Polk, the negotiator, and the action of this House, make it manifest that all sides believed and intended to fix the Rio Grande as the boundary of Texas. It leaves a question for the courts, and not for the Executive, to decide; a case for judicial investigation, not for feats of arms or military conquest.

Sir, this boundary question was deeply agitating, and was most thoroughly discussed as connected

with the Mexican war. It was asserted with the greatest unanimity by the Democratic party at the declaration, during the progress, and at the termination of the war. The invasion of Mexico was declared a duty to Texas, because her territory was invaded first by Mexican troops by crossing the Rio Grande. The treaty of peace and the cession of territory made by Mexico, left but few in doubt as to the right of Texas to the limit as claimed at the time of annexation. A gentleman from Georgia [Mr. TOOMBS] said, with great propriety, that the question made now springs from the fanaticism connected with free-soil—the anti-slavery crusade of the northern section of this Republic.

I trust, Mr. Chairman, that we shall hear no more of the slang that the anti-slavery party is confined to a few Abolitionists. Every demonstration, either in the North, or in either House of Congress, forbids the conclusion. We have acted upon this fallacy until the evil has almost passed remedy—until the agitation of the public mind can scarcely be allayed. It is a melancholy truth that we have an Abolition Government and an Abolition Administration of that Government. The strides in that direction since the last presidential election are most alarmingly aggressive; and we have lived to receive a message from a President of the United States announcing his readiness to press free-soil conquests at the point of the bayonet. The whole history of the California government, the advice of T. Butler King to members of the Convention, as they report in debate—that to take all the territory, all the sea-coast, and a settlement of the slavery question for themselves, was the soundest, safest, surest policy to secure admission into the Union. His agency is owned by the Government, and intervention not being denied, the proof is conclusive that, as far as California was concerned, the government is for abolition.

The policy recommended in the message of the President for the organization of New Mexico, forces us to the same conclusion. But one year since, when it was proposed to exclude the southern slaveholder from emigrating into the newly acquired territory by the Mexican laws, we were told that the laws and Constitution of the United States did not necessarily reach our conquered territory. But a declaratory act of Congress was necessary to effect that end. We have not forgotten the debate between Mr. Calhoun and the present Secretary of State, Mr. Webster, in the Senate, upon that question. The Secretary brought all the powers of his great mind to that encounter. Abolition was expected then from the Mexican laws. Neither the Constitution nor the laws of the United States could protect the slaveholder, for, said that statesman, they are not there. But the scene is changed. To defeat the claims of Texas, the President and his Secretary now declare that the Constitution and laws are in the Territory; that it never belonged to Texas; and that there are combinations amongst the citizens of Texas to prevent the execution of those laws. When abolition is to be fostered by the Mexican laws, the Constitution of the United States is not there. When the power of the army is called in requisition to extend abolition, the same parties, in a message to this House, declare that the Constitution and laws are there, and must be enforced and executed. Is not the fact estab-

lished, that this is an abolition Government? An anti-slavery constitution has been gotten up within the boundary claimed by Texas, and the President proposes to march an army to compel Texas to abandon her claims, or induce Congress to buy her soil for abolition purposes, or that we should vote ten millions, the price fixed in the bill now on your table. Sir, Texas is first insulted, then threatened. A deliberate attempt is made to intimidate her; she is then offered a bribe, and, to crown the indignity, set up for sale. And this is called a peace-offering to Texas, and a measure of conciliation! Texas, our younger sister, came into our family upon equal and honorable terms. I will never presume on her weakness, neither will I avail myself of her necessities, produced by a struggle for her independence, and the burden of a debt, the price of her liberties, to advise or induce her to stoop to such a sale of her domain. I say such a sale, for it is a violation of the understanding by which she united herself with us. She came as a slaveholding State, and to sell her territory for free-soil purposes, is to inflict an injury on the South. I will never advise her to accept of terms which are accompanied with a menace of the sword and the use of force to compel acquiescence. If I offer her the olive-branch, it will be plucked from a vigorous and healthy tree, fresh and beautiful—not a limb broken off by the storm and soiled with mud from the gutter, an offering at once unworthy of the one who offers and the one who receives. I will not aid in a negotiation which must carry to her a sense of lost self-respect. Were these ten millions to be distributed amongst the gallant survivors and the families of those fallen brave men who shared her trials, suffered in her poverty and achieved her glorious independence—if it were to carry joy to the hearts of widows and orphans whose gallant husbands and sires fell on her battlefields with the shout of victory sounding in their ears—if the families of those who were assassinated at the Alamo, or perished on any other of those fields of glory which make her history one of the most romantic of modern times—I could be less averse to this odious measure. But the bonds and scrips have long since passed into the hands of brokers, shavers and speculators, at from five to ten cents in the dollar; and the importunities and appeals which we see and hear are the sighing for the rise of Texas scrip, rather than any justice or propriety in the measure, or apprehension of a collision and civil war in New Mexico or in Texas. I am no stranger to this mode of raising money by a dispute. It is a stale contrivance of unscrupulous men in private life, to set up claims and seek to arbitrate them. If anything by possibility is secured, it is clear gain; if nothing, then nothing is lost. This dispute is got up with great dramatic effect. All the horrors of civil war are depicted; gentlemen seem to yield to the pressure of necessity—they are complimented for their patriotism; the Union is praised, its danger magnified, the country alarmed, and the public mind agitated. Behind all this dust and smoke, the Texan bondholder sits and calculates how much more thunder it is necessary to pump to cause Congress to vote the millions. Sir, there is no pretence for this offer. The land belongs either to Texas or to the United States. If to Texas, I do not wish to purchase it for free soil; if to the United States, I do not think

it just to tax the South, who would pay two thirds of it, to make the fortunes of brokers and claim-agents for the purchase of our own property. I do apprehend danger to the country from the agitation of the public mind, if California with her present boundaries and constitution be admitted into the Union, or from a stern refusal to divide the territories, or a determination to exclude the southern slaveholder either by pretence of the Mexican laws, or the Wilmot proviso. I have no doubt that if the Administration be guilty of the folly or the weakness of marching troops into Texas under the pretence of fixing the boundary of New Mexico, the gravest consequences may ensue. But, sir, the least of the dangers is to be found in the last measure. It would be the greatest if the President really intended to execute the threat in his message. But he will not do it, sir. Stand one side, Mr. Chairman, let Congress refuse to purchase the dispute, leave him to advance or recede, as prudence may determine, and there will be no collision. If he does not command the army to assail the authorities of Texas, they will not do it; if he does without the assent of Congress, he will be amenable for the consequences. It will do more for the security of our rights and the restoration of the influence of the States, to let the President discover his error and recede from his position, than years of clamor and resistance. No President of this Republic has the temerity to assail a State in its sovereign capacity without the direction of Congress; and the sooner any President learns that he dare not do it the better.

Mr. Chairman, it is something astonishing that the President should, all at once, have awakened up to the pressing emergency now existing in New Mexico. All the confusion there, has been produced by the intermeddling of the Administration immediately preceding him, and himself. The only danger of collision can be avoided by his discretion. There does not exist any such combination of persons, citizens of Texas, or any other place, to resist the laws of the United States. Should any portion of people east of the Rio Grande endeavor to make a government against the authority of Texas, it will be time enough for the President, acting under the direction of Congress, to interpose. Should Texas actually take possession, no statute of limitation will run against the United States, and no evil can ensue. The concern, and conscientious anxieties, under which he suffers, are still more a matter of surprise, when we know that many cases such as are described by the statutes of 1795 and 1807, do exist, and are of continual occurrence, and he is not moved to action by them. The acts on which he relies for authority to coerce Texas, refer to such combinations in any State or Territory to resist the laws of the United States or prevent their execution, as cannot be overcome by the judicial authority, or the powers given to the marshals by those acts; that then the President may call on the army, navy, and militia to enforce the laws and secure their execution. Now, in many of the non-slaveholding States of the Union, such combinations do exist. The Governors and Legislatures give evidence of their existence in the statute book. It is made highly penal for courts, officers, or citizens to aid the marshal in the capture and delivery of fugitive slaves, in open violation of the Constitution—the fundamental law of the land. Gerrit Smith,

of New York, president of the negro-stealing society, published his manifesto, boasting of a combination to steal, protect, and remove the property of slaveholders. Mobs interfere to rescue slaves who are taken. No prudent man is willing to risk his life for the recovery of his property in any of the States; and notorious as these facts are, widely known and loudly complained of, the President has felt no conscientious impulses to urge him to break up such combinations. But when the plan is to buy slave territory to make free soil—to dismember a southern State and despoil her of her domain—when the banner of abolition is to be pushed forward—the necessity becomes pressing, and with a sword wielded by himself, and ten millions of dollars raised from the taxation of a people now pressed with a public debt, he threatens, and asks Congress to bribe Texas. To come down to the Paso, and with the Pacific occupied by California, the cordon of free States around the slave States will be complete. Am I, then, in error, when I say this is an abolition Government? I think not, sir; for all the territorial policy looks to the abolition of slavery. I use the term abolition, in reference to ultimate consequences. I call every Free Soiler, every advocate of anti-slavery measures or restrictions, every man who votes for the proviso, or refuses to repeal the Mexican laws, if he believes them efficient to exclude the South, an Abolitionist *pro tanto*. There are various stages of the species; the caterpillar is a chrysalis before he becomes a butterfly; the tadpole will certainly become a frog—he may present a nondescript appearance in his intermediate state, but he will shed every appendage inconsistent with his ultimate condition, and come out a frog confessed. The mildest anti-slavery man would vote for the proviso if he did not think the Mexican laws sufficient for his purpose, and all at last unite to prevent the slaveholder from equal participation of the public domain. To extinguish slavery, either by direct abolition or restricted surface—either by immediate destruction or ultimate starvation, is the avowed object; and to it all degrees of anti-slavery doctrines assuredly lead.

Abolition and free-soilism, sir, have become very powerful in this Government. The distribution of fifty-eight millions of dollars a year, and the emoluments of office, are rapidly creating national politicians in the South. The sword and the ermine are concentrated in the President—he will soon seize the purse, and dispense with the formalities of an election for his successor. He will, in a short time, have nothing to buy, because, sir, you will have nothing to sell. National Democratic or national Whig parties may bring about such a state of things, but they can never remedy the evil. We see it already in the ambition of politicians to have a national reputation. Words, sir, become things, and it is important that we should understand the meaning which has been attached to them by circumstances. Speeches, letters, and editorials, are filled with such terms as these: Southern Hotspurs, nullifiers, ultras, disunionists *per se*, and traitors, on the one hand; and moderate men, patriots and national politicians on the other. In connection with the great issue now occupying the public mind, a southern Hotspur indicates one that asserts the equality of the southern members of this Confederacy; a nullifier, one who is so simple as to suppose that a

painful violation of the Constitution, in any law, ought to take away its effect; an ultra, one who is satisfied with a part of the territory for the occupation of his constituents, who will acquiesce in the Missouri compromise line; a disunionist *per se*, one who does not promptly yield to any and every measure of adjustment, without reference to the rights and the honor of his section; and he a traitor, who dares to commit the sin of violated majesty, in supposing that plunder, insult, oppression, and degradation, in the name of the Union, ought to be met and resisted, "come what may." Should any member from the South dare to claim all of her rights, (which few have the boldness to do,) there is no term in the vocabulary of reprobation which describes his offence—it is, sir, "a deed without a name."

On the other hand, a moderate man sees the salvation of the country in the organization of national parties and presidential conventions, and a patriot yields to the demands of injustice for the Union's sake. He can weep tears of bitterness over the evils which threaten its integrity—looks with idolatrous reverence to it as the great end of liberty, not as the means of securing it—bows at the altar of the Federal Government—denounces all who think that they owe allegiance to the sovereign State in which they reside, whose citizens they represent, and whose protecting arm shields their families and their firesides—owes a higher and paramount allegiance here; and no matter what comes, although the Constitution be violated and his rights withheld, he will kiss the rod which smites him, and bow to the tyranny which treads him to the earth.

The people, sir, are the great lexicographers—they will revise this edition of newly-defined terms, and it is probable they may not fully approve, it I propose to give a more detailed account of national politicians, and the process by which they are formed—those who enjoy the glory and are redolent with the odor of national reputation. Northern men being in a majority, acquire it easily. They can bargain for it with expectants of patronage, and calculate with some certainty; but the southern politician has a more difficult task to perform. After much study, I think I have ascertained how it can be done, and I will tell you, sir—it is interesting to understand all those processes, which are such important elements in the current of events which surround us. A southern politician, to be national, must stand South and lean North; must censure any of his friends who are urgent for the rights of their constituents, and apologize for anti-slavery allies; must praise the Union stately and vociferously, make its glories the staple of his speeches and conversation, attribute all the excesses of the Abolitionists to the ultraism of southern men; acquire the reputation of a moderate man by never demanding the rights of those who have intrusted them to his care; advise compromises and submission because it is the best that can be had; always be in the rear of the just demands of the South, and say he is for them, but they cannot be had. If a southern member of Congress claims bare justice for his section, rebuke him and tell him our northern friends cannot vote for that measure, although due to us, because it will destroy them at home. Speak much of ultras and disunionists *per se*, and call all who are not outright submissionists, impracticables and southern

abstractionists. If to this you add that a statesman who seeks a national reputation should be careful not to be considered the representative of his own district, or even State, or the United States, but the representative of human rights and human liberty the world over—if he has ever been as unwise as to be so sectional as to make a bold stand for his people, their property, and their homes—if he has been indiscreetly conspicuous in any demonstration of this kind, he should immediately change his course, and by eminent moderation atone for former want of nationality. This is the plan to acquire national reputation, the road to preferment, to office, and confidence with the majority. The only drawback is, that anything so easily acquired is usually of but little worth. The people will sometimes reason with their servants, and be unpleasantly inquisitive into their transactions. They still believe that their immediate Representatives are responsible to them, and do sometimes hold them to that responsibility. These national politicians become numerous in proportion to the ease with which they are produced and the reward which will satisfy them. Their patriotism is well described to resemble "a circle in the water which never ceases to enlarge itself till by broad spreading it disperse to nought." So there is every grade, from those who aspire to the highest rewards in the gift of the people, down to the tide-waiter—but one thing is common to them all, they are eminently national. National, because looking for the majority, for all national politicians have an instinctive, an utter horror of minorities. Minorities cannot be national, and unless there be two of them, one holding the balance of power, are always regarded with contempt. Against this national abolition Government I rejoice that North Carolina has spoken out. The recent election there, sir, does not indicate the numbers or the strength of the Democratic or Whig parties on the old issues. The nominating convention adopted resolutions which on the one side endorsed and approved of the administration of General Taylor and the compromise bill of the Committee of Thirteen; the other was equally clear in denouncing that Administration, and expressing a preference for the Missouri compromise line as a basis of settlement. The people have passed upon the issue—they have given judgment for southern rights, and the work is done.

I know, sir, that opposition to this Texas boundary bill, or any one of the class of measures included in what was called the adjustment, or compromise bill, so long before the Senate, has been described as indicative of our unwillingness to quiet agitation. That those who cannot approve of any or all of the provisions of that plan are denounced as disunionists and disorganizers. The charge is untrue, and can only be intended to cover a gross dereliction of duty to the South by those who make it. I am willing to pay that portion of the debt of Texas which was secured upon the customs of the Republic before annexation, provided Texas shall sell to the United States lands for indemnity;—not part with the sovereignty, and thus expose it to the Wilmot proviso, but sell the land, as the United States owns land in all the new States, the eminent domain remaining in the States within whose limits the lands lie. The remaining debt of Texas is land scrip, and she has land enough to pay it. Let, then, those who are

so liberal in denunciations of southern gentlemen, who are resolved not to betray their constituents, unite to effect this desirable end, and they will be entitled to much higher consideration now and hereafter than they can attain by misrepresenting the motives of others. I wish this question settled, but I wish it settled right. A settlement injurious to the South—which abandons their right, will only increase agitation and secure the condemnation of those who advise or effect it.

For these, and many other reasons, Mr. Chairman, I cannot vote for the bill sent down by the Senate for the settlement of the boundary of Texas and the sale of her domain. What, sir, vote ten millions for fifty thousand square miles of but ordinary lands! For fifteen millions we purchased the whole country from the Gulf of Mexico to Canada and Lake Superior, thence over the Rocky Mountains to the Pacific ocean down to the California line, including the Mississippi river, the noblest stream in the world,—a domain large enough for thirty States of convenient size, and combining more of agricultural, mineral, and commercial wealth than any region on which the sun shines. For twelve millions, a part now unpaid, we purchased all the territory from the Rio Grande to the Pacific, surface enough for ten States; and we are asked to pay ten millions to compose a difficulty gotten up and fostered by this Administration against the settled policy of the administration of Mr. Polk; and for what? To permit a government, all of whose policy is free-soil, to extinguish one more hope that the South shall ever increase her representation in the Senate, or exert her proper influence in the councils of the Republic. Should this bill pass, along with the appropriations now reported to the House, and claims likely to be passed and provided for by the treasury, we shall be compelled in one session to appropriate more than seventy millions, in a time of peace—exceeding the appropriations when we had fifty thousand troops in the field, with all the incidental expenses of a war. A large loan or issue of stock will be necessary; the existing debt largely increased, taxation rendered indispensable. Should I vote for such prodigality, such a wasteful disbursement of public money, such a debt upon posterity, I should expect, as I would most certainly meet, the indignation of my constituents. They are not so national as to consent that I should utterly disregard their interests or their rights. They know that when an individual spends more than his income, ruin is the result. They believe the same thing true as to nations; and they are right.

It has become so common, Mr. Chairman, to close a speech on this floor with a shout of glory to the Union, that a speech without some such appendage, subjects a member of this House to injurious suspicions. It has been so often exalted and described in all the figures of rhetoric, and the decorations suggested by cultivated taste, that I am at a loss to know how anything, either new, interesting, or instructive, can be said. I heartily concur in all that has been said about the Union as a means of securing the good and great blessings enumerated in the preamble of the Constitution. I honor and revere the memory of those who framed the compact upon which this Confederacy is formed. I am admonished, however, by high senatorial authority, that it is not a "mere Con-

federacy, but a Union, a constitutional Government, and that we owe a paramount allegiance to that Government." I dissent from such an opinion, and the consequences which result from its adoption. My allegiance is not due to this Government, but to the sovereign State of North Carolina. She commands me to obey this Government—I cheerfully acquiesce in her commands. The oath of allegiance which I took was to her and to her constitution. When that oath was framed so as to require me to maintain her constitution when not inconsistent with the Constitution of the United States, it was not intended to acknowledge a paramount allegiance due to any above her own sovereign authority. It was the acknowledgment of that constitution as a compact not with her citizens, but with sovereign sister States, which her good faith was pledged as a sovereign to observe, and which she accordingly commands her citizens to maintain. It was not allegiance, but obedience which she inculcated. Sir, I was not born a citizen of the United States, nor have I ever been such in any other sense than that which is derived from the provision in our Constitution, that the "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." This is the grant by which my American citizenship is recognized, and this, and this alone, the sense in which any person can enjoy that right. It would be asserting the absurdity of two citizenships in one and the same individual, cotemporaneous and yet distinct from each other. I am an American citizen because I am a citizen of North Carolina. That gives me equal rights and immunities by compact, and it is to this that North Carolina agreed when she came into the Confederacy amongst the last. I will obey as long as she shall require me to do so. To her I owe allegiance, to her I bow as my sovereign. When she in convention shall revoke the edict which she adopted in convention, I shall owe my allegiance still to her, and will adhere to her fortunes and her decisions, whatever may be the consequences to myself. North Carolina, with dignity demands equal rights, according to the compact. She has historical reputation in reference to her determination to resist wrong and oppression. She was in advance of the Old Thirteen at least one year before July, 1776. She was the last to come into this Union—she will not be the first to go out. She never will, if justice is awarded; but her people know that yielding to wrong, because power claims the right to inflict it—that a public notice that whatever may happen submission is intended, only provokes aggression and secures degradation.

North Carolina asks for acts of justice, not empty words; and whilst both here and in the Senate she has heard that her rights, in common with those of the whole South, were disregarded, I do not believe that mere honeyed words about her grievances, or piling up the agony, or the consequences to flow from resistance, will influence the determination of her citizens. I caution gentlemen, lest the people of North Carolina awake to the truth, that the practical result to them of all this glorification of the Union and submission to wrong for the Union's sake, ends in the practical result that the Union holds whilst abolition skins; that those soft strains of music which are employed to sing the glories of the Union, be not the fanning of the vampire's wings, to lull

his victim, whilst he gorges himself with his blood. A convention of the citizens of North Carolina, who nominated the lately-elected Governor, resolved, that whilst they yielded to none in attachment to the Union, they are determined, happen what may, "to resist all palpable violations of the Constitution, and all attempts to wield this Government by a mere sectional majority, to the injury and degradation of the southern people." The people of that State have ratified the resolution by unmistakable evidence. And when, after having so often entreated earnestly of a majority here, not to apply the Wilmot proviso to the Territories, the answer is, "Surrender at discretion; we care not for your feelings; it is no motive for our action that you have a sensitiveness upon this subject, and that what will offend you is unimportant to us; we will have the Wilmot proviso; we will vote for it; we will vote for no bill without it,"—when this and similar answers are given to every demand for equality and justice, I do not believe that North Carolina will submit to the slow process of refusing protection to the manufacturers at the North, or counting sixpences with them on the issue of political equality and the guarantees of the Constitution. Such a submissive process will meet with no favor there. A citizen of the United States may advise such a course in virtue of his allegiance to this Government. As a citizen of North Carolina, to whom I have sworn allegiance, which implies obedience, love, and honor, I neither will, nor can give such advice. I owe her allegiance as my son owes me allegiance. I place him, by compact, under the tuition and authority of a teacher, and direct him to yield that teacher obedience. He abuses his authority. I say to my son, Obey him no longer. And his allegiance to me dissolves the connection with him

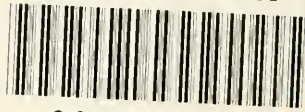
whose will he was once bound by his allegiance to me to obey. And North Carolina, loyal to the Union, true to her plighted faith, will do all that a high, honorable, unpretending people may do to avert mischief, restore confidence, and allay irritation. Let her be satisfied that justice will be withheld, wrong perpetrated, her sons excluded from the public domain, their property outlawed, stolen, and the thieves protected by the laws of sister States; that concession, submission, humble intreaty at the footstool of power usurped by an unrelenting majority, is the only resource left for them to preserve the little that remains, and the spirit of 1776 will again be aroused into action. And to resolve and to act will be but one event. Unlike some others, I do admit the right of those who elected me to command my judgment—they do not ask to command my conscience. They are too kind, and have been too confiding and just to demand a disregard for its decisions. To their expressed will I would yield the conviction of my judgment. I will obey their will when conscience does not forbid: should that be the case, I would cheerfully resign the trust to their hands. I represent them, and shall endeavor to represent their will as well as their interests. To them I am responsible, and for their decisions I have the most profound respect. They have generously given me their confidence. They are a portion of the State of North Carolina; and with her, and with them, as a part of her and her fortunes, I am inseparably connected. Should she resist the authority of this Government, I shall not judge for myself whether she be right. No; her fortune is mine, her fate is mine; I have shared her prosperity, I have been favored by her people, and, come weal or woe, I shall own my allegiance and obey her commands, as long as her constitution and laws protect and defend me.

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